

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/980,645	12/01/97	SMITH	C TRAK02222

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PM82/1221

EXAMINER

ZANELLI, M

ART UNIT	PAPER NUMBER
3661	19

DATE MAILED: 12/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	08/980,645	Applicant(s)	Smith et al
Examiner	Zonelli	Group Art Unit	3661

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

Responsive to communication(s) filed on 11/17/00

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

Claim(s) 32, 33, 37-121 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

Claim(s) 32, 33, 37-46, 63-90, 93-121 is/are allowed.

Claim(s) 47, 49, 51-59, 91 is/are rejected.

Claim(s) 48, 50, 60-62, 92 is/are objected to.

Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). 17 Interview Summary, PTO-413

Notice of References Cited, PTO-892 Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

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DETAILED ACTION

1. This is responsive to the amendment filed 11/17/00. Claims 32, 33, and 37-121 are pending.
2. The IDS filed 11/17/00 has been considered.
3. Claims 49 and 51-59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - A. As per claim 49, at lines 6-7 "said monitoring process" lacks antecedence.
 - B. All claims depending from a rejected base claim are also rejected as containing the same deficiencies.
4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 47, 49, 51-55, and 91 are rejected under 35 U.S.C. 102(b) as being anticipated by GB-2261977A.
 - A. As per claims 47 and 91, GB discloses a system and method for controlling the movements of vehicles, in particular a fleet of taxicabs (see Abs.). As shown in Figs. 1-3, the system includes a base station (dispatcher) (16) which includes a plurality of databases (24,26,28,30) for monitoring the taxicabs and determining which taxicab to

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assign a particular fare. The base station uses processing circuitry (22) to process a request for transportation between a pick-up location and a desired destination. Based on fleet information, the processing circuitry automatically assigns the transportation request to a particular cab without human intervention (see Abs.; pages 2-3).

B. As per claims 49 and 51-55, as above wherein two-way radio communication is provided between the base station and the fleet of taxicabs. The communication network may be local, national, or international radio networks (see page 4, last para.). GB further discloses communicating location and vehicle status information from the vehicle to the base station (see Fig. 3; pages 10-11). GB further discloses forming a record of a customer request by manual entry in response to a telephone call from a customer (page 8).

6. Claims 32, 33, 37-46, 63-90, and 93-121 stand allowed.
7. Claims 48, 50, 60-62, and 92 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims 56-59 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
9. The allowability of claims 47, 49, 51-55, and 91 has been withdrawn in view of the newly cited British document. This document discloses dispatching vehicles to transport fares

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from any origin to any destination without human intervention. These are the features which were previously indicated as distinguishing over the prior art of record.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Michael Zanelli** whose telephone number is **(703) 305-9756** (M-Th, 6:30-4:00 PM).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is **(703) 308-1113**.

/mjz

December 21, 2000


MICHAEL J. ZANELLI
PRIMARY EXAMINER